

MELINDA L. HAAG, CSBN 132612  
United States Attorney  
LUCILLE GONZALES MEIS, SBN CO 15153  
Regional Chief Counsel, Region IX  
Social Security Administration  
SUSAN L. SMITH, CSBN 253808  
Special Assistant United States Attorney  
333 Market Street, Suite 1500  
San Francisco, California 94105  
Telephone: (415) 977-8973  
Facsimile: (415) 744-0134  
E-Mail: Susan.L.Smith@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARL COMBS,  
Plaintiff,  
v.  
MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant. ) CIVIL NO. 3:08-cv-01728-MEJ  
)  
) STIPULATION AND ORDER AWARDING  
) ATTORNEY FEES UNDER THE  
) EQUAL ACCESS TO JUSTICE ACT,  
) 28 U.S.C. § 2412(d)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SEVEN THOUSAND, FIVE-HUNDRED DOLLARS AND NO CENTS (\$7,500.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset.

1 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury  
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of  
3 fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment executed by  
4 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees  
6 and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA.  
7 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims  
8 that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in  
9 connection with this action.

10 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act  
11 attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

12 Dated: January 25, 2011

*/s/Bess M. Brewer*  
*(As authorized via email)*

14 BESS M. BREWER  
15 Attorney for Plaintiff

16 MELINDA L. HAAG  
17 United States Attorney

18 Dated: January 25, 2011

By: */s/ Susan L. Smith*  
SUSAN L. SMITH  
Special Assistant United States Attorney

19 IT IS SO ORDERED:

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21  
22 Dated: January 26, 2011

